

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
7:14-cv-00011-D

WALLACE COUNCIL)
Plaintiff,)
)
v.)
)
CAROLYN W. COLVIN,)
Acting Commissioner of)
Social Security)
Defendant)
_____)

ORDER

This matter is before the court on Plaintiff's Application for Attorney's Fees and Expenses under the Equal Access to Justice Act (EAJA). Plaintiff was the prevailing party in an action to review the final decision of the Social Security Administration, and the Defendants have shown no substantial evidence to deny EAJA fees.

Plaintiff's submitted Application requests payment for 32.1 hours of work, amounting to a total of \$6,092.90. Plaintiff arrives at that fee by relying on the Consumer Price Index ("CPI") to enhance the \$125 hourly rate provided by the 1996 reenactment of the EAJA to a rate of \$189.81.

The Court finds that counsel's hours as detailed in his Application are reasonable. Pursuant to the EAJA, the Court counsel concludes that the cost of living increase warrants a higher fee. 28 U.S.C. § 2412(d)(2)(A)(ii). The court will apply an hourly rate of \$189.81. enhanced by the CPI.

EAJA fees will be paid to Jonathan P. Miller, Attorney at Law at counsel's address, 1213 Culbreth Drive, Wilmington, NC.

Accordingly, Plaintiff is awarded \$6,092.90 in attorney's fees to be paid directly to the attorney.

SO ORDERED. This 12 day of November 2014.



JAMES C. DEVER III
Chief United States District Judge